

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO.2981 OF 2019 WITH
CIVIL APPLICATION NO. 8430 OF 2019 IN WP/2981/2019**

**VYANKTESH SHIKSHAN SANSTHA THROUGH SECRETARY
MAHENDRAMADHUSUDAN KHANAPURKAR**

VERSUS

PRABHA APPARAO PATIL AND OTHERS

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Advocate for the Petitioner : Shri A. N. Nagargoje

Advocate for Respondent No. 1 : Shri Vivek Dhage h/f.

Shri R. I. Wakade

AGP for Respondent - State : Shri N. T. Bhagat

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 5th SEPTEMBER, 2019.

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PER COURT :

1. After the order dated 05/07/2019 was passed by this Court and the further orders having been passed on 23/07/2019 and 01/08/2019, the learned Advocate for the petitioner submits that the petitioner desires to withdraw this petition. The administrator who had already been appointed during the pendency of this petition may continue with his assignment subject to the result of the proceedings before the Honourable Minister. It is prayed that the proceedings pending before the Honourable Minister could be considered on their

own merits.

2. The learned Advocate appearing on behalf of respondent No.1 / employee of the petitioner / Educational Institution, submits that she has been one of the complainants which has led to the enquiry being conducted against the petitioner / Educational Society and an administrator was appointed. Without her participation in the proceedings before the Honourable Minister, the petitioner herein would almost get a 'walk over' as the respondents before the Honourable Minister are statutory authorities who would not whole-heartedly assist in the adjudication of the proceedings before the Honourable Minister. It is alleged that this petitioner has deliberately avoided impleading respondent No.1 in the said proceedings so that there would be no opposition to the proceedings.

3. Considering the above, this petition is disposed off as withdrawn with the consent of respondent No.1.

4. The petitioner shall appear before the Honourable Education Minister in the said appeal (filed on 04/02/2019) on 23/09/2019 at 03.00 p.m. In the event, respondent No.1 desires to participate in the said proceedings, he may appear

on the said date and file an application seeking intervention which will be considered by the Honourable Minister on its own merits after hearing the parties.

5. Considering the statement of the learned AGP that the State Legislative Assembly elections are likely to be held in the month of October 2019, it is expected that the Honourable Education Minister shall decide the pending appeal on its own merits and after considering the entire record and the enquiry papers available, as expeditiously as possible and preferably on or before 31/12/2019.

6. The Honourable Minister would decide the proceedings on its merits, without considering the objection viz. an opportunity of hearing was not given, by considering the entire record available before him. Parties are at liberty to rely upon the said record and point out the legal infirmities.

7. Pending Civil Application does not survive and stands disposed off.

(RAVINDRA V. GHUGE, J.)

shp/-